



IPW

S-100,810

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Gerard L. Hofman, et al.
SERIAL NO. : 10/660,592
Confirmation No. : 7495
FILED : September 12, 2003
TITLE : METHOD FOR FABRICATING URANIUM FOILS AND
URANIUM ALLOY FOILS
EXAMINER : Kuang Y. Lin.
GROUP : 1725
DOE NO. : S-100,810
Customer No. : 31970



31970

PATENT TRADEMARK OFFICE

REPLY UNDER 37 CFR § 1.111 (REVISED)
RESPONSE TO RESTRICTION/ ELECTION REQUIREMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the action dated March 9, 2005.

Restriction Requirement

The Examiner has required restriction to one of the following inventions in accordance with 35 U.S.C. § 121:

- I. Claims 1-12 and 16-24, drawn to a method for casting metal, classified in class 164, subclass 76.1.
- II. Claims 13-15 and 25, drawn to a metallic article, classified in class 148, subclass 401.

The Examiner claims that Inventions I and II are distinct.

Applicants' Election with Traverse

Applicants elect Invention I, direct to the method of making thin foils of uranium or alloys thereof, with traverse. Applicants withdraw Inventions II from consideration should the Examiner maintain the restriction requirement. Claims 13-15 and 25 will be canceled upon determination of allowable subject matter.

Applicants further submit that Inventions I, and II are not patentably distinct. At the time Applicants' attorney prepared and filed the subject application it was done after careful consideration and thorough analysis of the invention. Applicants' attorney filed the subject application and claims with the understanding that one invention was being presented. In particular, the article claimed in Invention II cannot be practiced without the use of Invention I. Therefore, there exists an indistinguishable relationship between the method of Invention I and article of Invention II.

Applicants' claims relate to method for fabricating uranium foils and articles produced by the method. The Examiner's assertion that Applicants' claimed inventions are patentably distinct is not compatible with the field of the invention. A method of fabricating a metal foil and the foil produced by that method are not patentably distinct. The Examiner's argument that the article of Invention II can be made by other processes is incorrect. For example the article made by the method suggested by the Examiner would not fall under Invention II. Inventions I and II are related to the metal fabrication arts, therefore, separate searches would not place an undue burden on the Examiner.

Applicants submit that the restriction requirement should be withdrawn.

Conclusion

The Applicants believe that the application, including claims 1- 25, is now in allowable form. Allowance is therefore respectfully requested.

Respectfully submitted,



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Date: _____

4/7/05

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